

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Karissa Chorbajian,) Case No. 6:23-cv-3118-JDA
)
 Plaintiff,)
)
 v.) **ORDER AND OPINION**
)
 Adams Scrap Recycling, LLC;)
 Kamal Desor; HRP Associates, Inc.;)
 Layton Environmental Engineering, LLC,))
 Defendants.)
 _____)

This matter is before the Court on a motion to dismiss filed by Defendant Layton Environmental Engineering, LLC (“Layton”). [Doc. 26.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings.*

On January 12, 2024, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that the motion to dismiss be granted. [Doc. 49.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. Plaintiff has filed no objections and the time to do so has lapsed.[†]

* At the time this case was removed to this Court, Plaintiff was proceeding pro se. Plaintiff has since retained counsel. [Doc. 55.]

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, the motion to dismiss [26] is GRANTED and this action is dismissed with respect to Defendant Layton Environmental Engineering, LLC.

IT IS SO ORDERED.

s/Jacquelyn D. Austin
United States District Judge

Greenville, South Carolina
February 23, 2024